

1  
2  
3  
4  
5

6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA

8 CHRISTOPHER PEPE, No. C 13-05267 YGR (PR)  
9 Petitioner,

**ORDER OF TRANSFER**

10 vs.

11 KIM HOLLAND, Warden,  
12 Respondent.

/

13  
14 Petitioner, a state prisoner, has filed a *pro se* petition for a writ of habeas corpus in which he  
15 challenges the execution of his sentence. He seeks leave to proceed *in forma pauperis* (IFP).

16 A petition for a writ of habeas corpus filed by a state prisoner in a State that contains two or  
17 more federal judicial districts may be filed in either the district of confinement or the district of  
18 conviction. *See* 28 U.S.C. § 2241(d). The district court where the petition is filed, however, may  
19 transfer the petition to the other district in the furtherance of justice. *See id.* Federal courts in  
20 California traditionally have chosen to hear petitions challenging a conviction or sentence in the  
21 district of conviction. *See Dannenberg v. Ingle*, 831 F. Supp. 767, 767 (N.D. Cal. 1993); *Laue v.*  
22 *Nelson*, 279 F. Supp. 265, 266 (N.D. Cal. 1968). But if a habeas petition is directed to the manner in  
23 which a sentence is being executed, e.g., if it involves parole or time credit claims, the district of  
24 confinement is the preferable forum. *See* Habeas L.R. 2254-3(a); *Dunne v. Henman*, 875 F.2d 244,  
25 249 (9th Cir. 1989).

26 Petitioner is incarcerated at the California Correctional Institution in Kern County, which lies  
27 within the venue of the Eastern District of California. *See* 28 U.S.C. § 84. Because Petitioner  
28 challenges the execution of his sentence, the Court hereby ORDERS that pursuant to 28 U.S.C.

1 § 1404(a) and Habeas L.R. 2254-3(b), and in the interests of justice, this petition be  
2 TRANSFERRED to the United States District Court for the Eastern District of California.

3 All remaining motions are TERMINATED on this Court's docket as no longer pending in  
4 this district.

5 IT IS SO ORDERED.

6 DATED: February 12, 2014

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE